

# The American Observer

*A free, virtuous and enlightened people must know well the great principles and causes on which their happiness depends. — James Monroe*

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## Supreme Court Will Pass on Vital Laws

Legislation of Both Federal and State Governments to Be Reviewed During Session

### CONSTITUTIONAL ISSUE SEEN

"Twilight Zone" May Lead to Amendment Extending Power of Government Regulation

When the Supreme Court of the United States reconvened early this month for its annual session, the people of the country were again reminded of the important role which the judicial branch plays in our system of government. Regardless of the issues which are being debated in the campaign and the different positions of the two parties on really vital public problems, the course of legislation will be determined to a considerable extent by the various decisions handed down by the nine justices of the Supreme Court. While it has been argued that the Court is not explicitly given the authority by the Constitution to pass judgment on the legality of acts of Congress and the Executive, it has been the practice since the earliest days of the republic. The Supreme Court's veto power has been accepted by governmental leaders and by the public at large.

### Important Decisions

The present session of the Supreme Court promises to be as important as the ones of the recent past which have outlawed such major pieces of New Deal legislation as the NRA, the AAA, and the Guffey Coal Law. It is likely that before the Court adjourns next summer it will have acted upon such laws as the Wagner Labor Relations Act, which guarantees to workers the right to organize and otherwise regulates the relations of employees and employers; the Railway Labor Act, which undertakes to regulate similar conditions for a specific industry; the feature of the Public Utility Law, which authorizes the government to finance public-owned utilities; and a dozen or so other important measures enacted by Congress.

Of no less importance will be the Court's decision on legislation enacted by the states. It has agreed to pass on a law enacted by the state of Washington which fixes wages and hours of work for women in industry. It will be remembered that last June the Court, in a five-to-four decision, declared that a similar law enacted by the legislature of New York violated the Constitution. At its present session, the Court refused to grant a rehearing on this case, even though the states of Massachusetts and Illinois, with similar minimum wage laws, joined New York in requesting a rehearing. But by consenting to hear the Washington state law, it will again pass judgment on a matter of vital concern to a large number of states.

It is not our purpose in this article to discuss the various points of constitutional law involved in these cases. As the Court acts on them, we shall discuss them in some detail. We are concerned this week with the broader questions involved in what has come to be known as "the constitutional issue." Despite the fact that the issue has not been actively raised in the campaign—except charges repeated by the Republicans that the Roosevelt administration has overstepped its constitu-

(Concluded on page 8)



© Harris and Ewing

IT'S HALLOWEEN AND PUMPKIN TIME

## A Thought for Halloween

Many people will celebrate Halloween this week without thinking why they do it. Perhaps few realize how very far back into history the Halloween practices go. Long before the beginning of Christianity, the Druids, who lived in ancient Britain, had a custom of lighting bonfires on or about the first of November. They did this to honor the sun god and to give thanks for the harvest. They believed that on the night of the celebration ghosts and witches were likely to wander about.

From these customs of a people now almost forgotten, our Halloween has come. The day for it is now fixed regularly as the 31st of October, and it has become a Christian festival known sometimes as All Saints' Day. But many of the customs which attend the evening have lingered on from the practice of the Druids. The festival grew up in relation to the harvest, and nuts and apples were conspicuous in the early days. Apples, and especially cider, play no small part in the celebration of today.

In modern times the playing of pranks is common, and these pranks often lead to destruction of property. Possibly the mischief attending the evening is a hang-over from the ancient belief that on Halloween the Lord of Death brought together the souls of the wicked who during the last year had been condemned to live in the bodies of animals.

Fortunately we are now getting away from the destructiveness which had been a part of the occasion. Of course the rougher elements, those with a rather poorly developed sense of humor, engage in tricks of marring and destroying property. The more intelligent and the more imaginative boys and girls make of the evening a brief excursion into a land of make-believe. Masks abound, masquerade parties of one sort or another are in order. Grotesque costumes are made to displace the sober attire of everyday life. The night is one of noisy fun making, but less frequently than in other years is the fun spoiled by exhibitions of vandalism.

This change in the direction of a more restrained and civilized brand of celebration and of sport is in keeping with the spirit of the time. Another manifestation of the spirit is the movement on foot at present to keep football games from degenerating into rowdiness. A few days ago President Dodds of Princeton University made the reasonable request that persons attending the games at the Princeton Stadium should refrain from the use of intoxicating liquor. He quoted with approval a dictum of Lord Chesterfield that "Manners must adorn Knowledge!" That is a text well worth remembering both in student activities and in all the affairs of life.

## Belgium Insists on Future Neutrality

King's Announcement of Changed Policy Startles Europe and Raises Grave Issues

### PRESENT AGREEMENTS STAND

No New Agreements for Joint Action to Be Made; Blow to French Influence Is Noted

King Leopold of Belgium startled the governments of Europe and set off a wave of disturbed speculation when, on October 14, he announced at a meeting of the Belgian cabinet council that Belgium was giving up the policy of securing protection through alliances and military agreements with other powers and was going back to a policy of strict neutrality. His country would build up its fighting forces to the point where Belgium will be able to "dissuade any of our neighbors from using our territory to attack another state," the king said, but it will not promise in advance to take sides in any future quarrels between these neighbors. It will follow, he declared, the "proud example" of Holland and Switzerland.

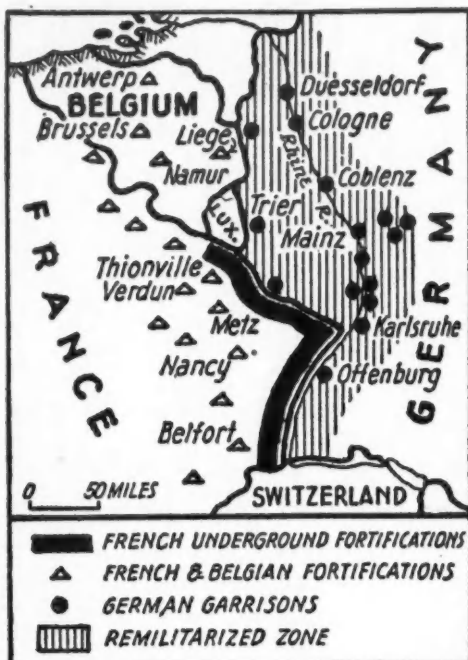
### Governmental Reactions

This is a direct turn-about-face from the policy that Belgium has followed consistently since the World War. The announcement of the change worried the French government greatly, because France's alliance with Belgium has been the cornerstone of the structure of alliances and military agreements with the smaller powers of Europe which France has built to strengthen her position in Europe and to protect herself against possible attack by Germany. It disturbed the British government, because Britain has counted on Belgium as an important member of the group of powers which worked together, through the League of Nations, the Locarno pacts, and other means, to keep the peace of Europe by agreement among the powers to act together against an aggressor. It pleased the German government, because Belgium's repudiation of alliances, especially of the alliance with France, would weaken French influence in Europe and do a good deal to break the "iron ring" of alliances which France has constructed around Germany. It brought gloom in Moscow for the same reasons that it cheered Berlin. It came like a sudden and most unpleasant drenching with cold water to all those who have been working to build "collective security" in Europe and the world.

Dramatically enough, the new policy was announced by young King Leopold III at the first meeting of the Belgian cabinet council over which he has presided since he became king in 1934. But it is not the king's policy in the sense that he favors it while the cabinet does not, since Belgium is a constitutional monarchy and the king must do and say what the cabinet tells him. The cabinet decided both the new policy and the way it was to be announced. In this case, the king agreed with the cabinet. The Belgian parliament and a large majority of the Belgian people also unquestionably are in favor of neutrality as against alliances which might drag Belgium into a war which did not concern her directly.

The governments in Europe, and those who have been in touch with the development of Belgian feeling, have known for some time that the Belgian government was considering some such change of policy.





—Courtesy N. Y. Times  
THE FORTIFICATIONS IN FRANCE, BELGIUM,  
AND GERMANY

But the actual announcement of the change came as something of a surprise. It also was a good deal of a shock, especially to the French and British governments, because the wording of the announcement seemed at first reading to mean that Belgium immediately was canceling its alliance with France, repudiating the various special agreements for cooperation which the Belgian, French, and British military staffs have made, wiping out its participation in what is left of the Locarno pacts, and perhaps even preparing to deny its obligations as a member of the League of Nations.

The French and British governments at once asked the Belgian government to tell specifically just what the announcement meant. The replies came promptly. Belgium is not canceling out of hand any of the agreements to which she now is a party; they all, including the alliance with France, stand at least until further discussion clears the way for new arrangements. But in the future Belgium will go along the line of tending strictly to her own affairs rather than that of tying herself up with other powers. This policy of neutrality does not necessarily carry with it withdrawal from the League of Nations, for example. But it does mean that Belgium will not make any new agreements by which she will be obliged to join with other powers in helping to stop an aggressor; specifically, that she will not be inclined to have anything to do with the plans for a new set of "Locarno pacts" to guarantee the peace of Europe which have been under discussion since spring. Belgium's new policy will not cause an immediate change in the relations of the European countries, but quite probably it will have considerable effect in the future.

#### Belgium Long Neutral

Neutrality is not a new policy for Belgium. It has been the country's policy for 75 of the 97 years that Belgium has been an independent kingdom. When they first set Belgium up as a separate state in 1839, France, Britain, Austria, Prussia, and Holland united in declaring not only that it should be neutral, but that they all would fight any country that attacked the new kingdom. Before that, the territory which now is Belgium had been for centuries the battleground of its strong neighbors, who wanted the region because it lies along the coast, has several good harbors, is the natural highway between France and Germany and the natural jumping-off place for attacks on Britain, and is one of the important keys to the whole Rhine valley. Napoleon conquered it. When the principal European countries began to straighten things out in Europe after defeating Napoleon, they could not agree on who was to have this territory, and new wars threatened to develop out of this disagreement. So, to settle the matter, they took some territory occupied by the Walloons, who spoke

French, and some more where the Flemings lived and spoke a variety of Dutch, put the two regions together, and called the country the independent kingdom of Belgium.

The whole country is smaller than the state of Maryland; it contains only 11,752 square miles. Its population is only a little over 8,000,000, or about the same as that of Greater New York. But its key position between France and Germany makes Belgium important in European affairs.

The great powers guaranteed Belgium's neutrality in 1839. But they also insisted that, as a condition of this guarantee, Belgium should not herself make alliances or other agreements which tied her up to any of the powers. The Belgian government met this condition, and the guaranteed neutrality brought peace to Belgium from 1839 to 1914—a much longer time of peace than the region had had for centuries. During this period, the Belgians prospered. They built up important industries, and developed the iron resources of the country. The Walloons in the south and the Flemings in the north did not always get on well together. But the disagreements did not become serious enough to cause civil war, and decade by decade the feeling grew that they all were Belgians first—just as we in the United States feel that we are Americans first and citizens of the separate states second, especially when it comes to dealing with the people of other countries.

#### The End of Neutrality

Then, in 1914, the German army began its attack on France by driving into Belgium. This route was chosen for the first drive because Belgium is a flat country, easily crossed, and because the border of France itself was more strongly fortified than the Belgian border or the border between Belgium and France. The Belgians fought heroically against the Germans, but they were overpowered. A good deal of the fighting of the World War was on Belgian soil, and the Belgians suffered very heavily in people killed and property destroyed. But Germany's violation of Belgian neutrality was one of the important reasons which led Britain to join the war against Germany; Britain declared war, in fact, the day after German troops entered Belgian territory. Germany's treatment of Belgium also was a big factor in getting the United States into the war on the side of the Allies. That invasion of Belgium thus in the end proved very costly for Germany. But Belgium still is the easiest way into France from Germany.



© Acme

KING LEOPOLD OF BELGIUM

At the Peace Conference in 1919, the Belgians tried to get the other Allies to promise to protect Belgium against another German attack. They failed to get this pledge. In 1920, therefore, the Belgian government made an alliance with France in which each side promised to help the other if attacked. Since then, Belgium has gone along as the junior partner with France not only in plans for defense against attack but also in trade, finances, League of Nations affairs, and other international matters. Belgium also has been a partner in military agreements between Britain and France for common action in case of a new German attack, and it joined with these two powers, and with Germany and Italy, in the Locarno agreements of 1925—the pacts by which all the signers agreed, among other things, to unite against an aggressor in western Europe. Belgian military agreements with France have been carried to such a point that for all practical purposes the fighting forces of the two countries would act as a unit in case of war.

The French have expected this close cooperation to continue. But the members of the conservative Catholic party in Belgium, which is the strongest political group, have disliked the swing of the French toward socialism in the last few years. The leaders of the Rex party, young but growing fast, also have been against close ties with France, partly because they dislike socialism, but also partly because they think Belgium should not be so much of a satellite of France as she has been. When France signed the mutual assistance agreement with Communist Russia recently, the conservatives of all parties in Belgium were particularly displeased, and the demand for loosening the ties with France increased. This was partly because of the conservatives' dislike of communism. But it was even more because many in Belgium believed that this Franco-Russian agreement almost certainly would drag France into a war between Russia and Germany. Since that war probably would start in eastern rather than western Europe and might not directly affect Belgium, the Belgians do not see why they should be obliged by an alliance with France to take part in it.

#### Bad Management

Many in Belgium, as in other countries, also feel that the French and British governments have handled the situation in Europe very badly since the war, and that the danger of war which now is so great is the direct result of this bad management. They say that Britain and France, as the strongest of the victors in the World War and the real masters of Europe, should either have taken a line of friendly cooperation in helping Germany to get back on her feet after the war or have acted promptly and strongly to stop every move toward rearming and strengthening Germany. Britain and France have been neither friendly nor drastically forceful in dealing with Germany—and the present situation is the result. Therefore, say the Belgians, Belgium should not take the risks of being any longer a partner in such bad management.

When Hitler sent the German troops into the Rhineland on March 7, this year, the Belgian authorities immediately began considering how this move affected their country. Germany had broken both the Locarno agreements and the Versailles Treaty, but neither France nor Britain, nor the two together, did anything about it. The German advance brought the German troops directly up to the Belgian border, as they were in 1914. Britain and France repeated their promise to help Belgium if Germany attacked her, but in case of such an attack, help could not possibly come until quite a while after German troops had started sweeping into the country as they did in 1914. Furthermore, if Belgium still had her alliance with France, and her working military agreements with Britain and France, the Germans would have a reasonably good excuse for attacking Belgium if war started, but they would not have that excuse if Belgium were completely neutral.

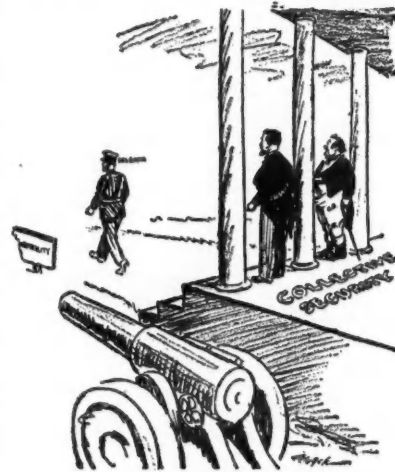
For these reasons the feeling grew in Belgium, especially since last spring, that Belgium would be better off if she were not bound to France or Britain. The king's

announcement that neutrality would be Belgium's policy in the future came as an expression and climax of the discussion of the situation by the people as well as by the military and political authorities.

#### Practical Effects

Belgium's neutrality now will not be guaranteed by the other powers as it was from 1839 to 1914, and as Switzerland's is. But the Belgians believe that they will have a practical guarantee anyway, since neither Britain nor France can afford to permit Germany to occupy Belgium. By being neutral, they will not lose the advantages of help from Britain and France if they need it, the Belgians argue, but they will be reducing the likelihood of needing it.

The French and British point out that in being neutral, Belgium is expecting protection without giving anything in return. But they know that the Belgians will fight if they are attacked, whether they have an alliance or not. So neither the French nor the British government is greatly disturbed



THE "TAKE-A-WALK" MOVEMENT  
SPREADS IN EUROPE  
—Carmack in Christian Science Monitor

over the possible military effects of Belgian neutrality.

What does really worry the French is the fact that Belgium's withdrawal from close working partnership will greatly weaken France's position in Europe, because it will go far to wreck the French system of alliances with the small powers against Germany. The Germans, naturally, are much pleased, and the Russians are made gloomy, by the Belgian move just because it will weaken France. The British, however, are disturbed mainly by the effect of Belgium's action on the efforts to get "collective security" through strengthening the League of Nations, through the "new Locarno" pacts which are being discussed, and through other means for getting the powers to act together against an aggressor. The British have Italy as well as Germany in mind.

King Leopold, in announcing the new policy for his country, said that one of the reasons for adopting it was that the attempts to insure peace by collective action had not been successful. He was right in this. But Belgium's declaration that she will keep out of such attempts in the future greatly lessens the chances that this method of dealing with international disputes will be more successful in the future than it has been in the past. For that reason, this Belgian swing toward narrow nationalism makes the situation in Europe worse rather than better.

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# AROUND THE WORLD

**Spain:** As the Spanish civil war entered its fourth month, the rebel forces of General Francisco Franco pushed forward to Madrid, reaching a point 20 miles south of the capital. Realizing that their position was desperate, the loyalists made hasty preparations for the defense of the city. Trenches were dug, barriers of barbed wire were erected, and 100,000 warriors, men and women, stood ready to face the onslaught of the opposing troops.

However, as we go to press, it appears extremely doubtful that the rebel advance can now be hindered. Madrid appears to be isolated completely. Earlier in the week, the only railroad line from Madrid to the Atlantic seacoast was cut by the rebels, and the latest reports indicate that two vital rail junctions outside the capital have been seized. The advantage of these maneuvers entirely offsets the minor victory which government forces enjoyed near Toledo.

Meanwhile, the sympathy of Soviet Russia for the loyalist cause gained impetus when Dictator Josef Stalin broke his silence on the civil war and said that the liberation of Spain is not a private cause for Spaniards, but one that concerns the whole world. His statement gave credence to the report that Russia would announce, in a few days, her decision to withdraw from the nonintervention agreement made last August, which she claims was violated by both Italy and Germany.

**Danzig:** Doubtless encouraged by Hitler's lieutenants in Berlin, Nazis in the Free City of Danzig have seized control of the government and are carrying on a systematic program to suppress all opposition. The press has been muzzled, and individuals opposed to them have been taken into "protective custody"—a polite term for arrest. The League of Nations, washing its hands of a delicate situation, has given to Poland the task of maintaining democratic government in this city.

Poland has been chosen for this work because Danzig was made a free city by the Treaty of Versailles in order to afford the Polish people a port. The Warsaw government, however, apparently does not intend to take any steps to put down the autocratic measures of the Nazis. To do so would be to invite the displeasure of Hitler, whose increasing military strength it might be disastrous for Poland to challenge. There is the even more important point that the Danzig port is not now so vital to



THE MARCH THAT FAILED

Sir Oswald Mosley's fascist Blackshirts parade under police escort along the Thames in London. They had planned to march through the Jewish district, but demonstrations of 10,000 anti-fascists along the route forced the police to ban the parade in the interest of safety.

Polish interests as it was after the war, since the government, in recent years, has built a magnificent harbor at Gdynia.

**Bulgaria:** The present régime in Bulgaria, now preparing a new constitution which will presumably give the people representative government, finds itself faced with a difficult problem in the matter of educational reform. Since 1888, after it severed allegiance to the Turkish Empire, the country has made progress in enlightening the bulk of its population, and has reduced illiteracy from 90 to 40 per cent. At the present time, primary school is compulsory for all children between the ages of six and eleven. This spread of education has, however, had one ill effect. Young people who finished high school felt that engaging in agriculture was beneath their station. Since the number of jobs in the government was limited and industrial enterprise had scarcely expanded enough to permit the employment of a large number in white-collar jobs, these young people became a burdensome element in the population. To cope with this problem, the government is developing a series of trade and professional schools. Still, one serious obstacle remains. Bulgaria is largely an agricultural country, and the development of nationalistic economic policies in Europe hinders her industrial growth, which is badly in need of capital. Should this aid not be forthcoming, the existence of a class of unemployed artisans may give rise to serious internal trouble.

**Philippines:** There has been considerable talk recently about increasing Japanese penetration of the Pacific, and none has aroused more interest than that which the island empire has been carrying on in the Philippines. It is even maintained that once these islands obtain complete independence, Japan will hasten to place them under her control. Whether that prediction will prove true or not, it is clear that Japanese interests in these islands are growing by leaps and bounds. In 1931, less than five per cent of the retail trade of Manila was in the hands of Japanese subjects. That amount has now been increased to 35 per cent. Last year, fully half of all the textiles used in the Philippine Islands was imported

from the industrial centers of Nippon.

The curious fact has been noted time and again that the Chinese inhabitants of the Philippines have been responsible, to a great extent, for this Japanese expansion. The Chinese have for long conducted the important commercial transactions of these islands, and in protest against Tokyo carried on a boycott against Japanese goods, refusing to keep them in their shops. Outwitting these merchants, the Japanese set up stores of their own in cities and towns and sold their goods so much cheaper that the Chinese merchant, in order to remain in business, was forced to import his wares also from Japan.

There is a great deal of wealth in the islands, and American interests have, for the most part, neglected them, thus making way for Japanese ingenuity. That the Japanese government realizes the immense possibilities in the land is evident from the encouragement it is giving its citizens to emigrate there. It offers very low steamship rates to Philippine ports, at the same time issuing propaganda to make the venture attractive. Japanese corporations are conducting experimental farms and in that way introducing cotton, coffee, oranges, and pineapples.

**Bolivia and Paraguay:** A renewal of the Chaco war, which until June 1935 engaged the armies of Bolivia and Paraguay for three years, is threatened in the announcement that the Bolivian government has recalled the chief of its delegation to the peace conference meeting in Buenos Aires. This gesture was hurled as a protest to the continued occupation by Bolivian troops of a neutral zone agreed upon last August when the two governments resumed diplomatic relations with one another. The situation is now becoming more tense each day, and is aggravated by unfriendly statements issuing from the two capitals. Observers note further danger in the fact that both countries are under the rule of army leaders who are frankly committed to war if they cannot get what they want in any other way.

Behind these immediate issues, however, are various grievances, to be removed only by a realization that they are genuine and deeply affect the people of both these countries. Bolivia has no outlet to the sea, so that access to the Atlantic can be had only through the Paraguay-Parana river system running through the disputed area. On the other hand, to grant Bolivia rights in this area is regarded by Paraguay as a deathblow to her. She has definite interests in the

Chaco which she regards as essential to her economy. At the outset of the war, in 1932, this territory furnished Paraguay with one-third of her public revenues and a large part of her livestock. It contained half the railways in the whole country, and the most important industrial plants.

**England:** A few days ago some passengers boarded a train in Paris at 11:30 at night. They went to their berths, slept soundly, and the next morning when they awoke they found themselves on English soil, bound for London. They did not have to be disturbed during the night in order to board a steamer to be taken over the English Channel.

A new train ferry system between France and England has been established which makes travel between the two countries much more pleasant than it used to be. The ocean ferries are capable of holding 12 sleeping cars accommodating 500 passengers. Special docks have been constructed to permit the loading and unloading of the train cars regardless of whether the tide is high or low.

A congress of the Radical Socialist party in France is expected to take up the question of whether it will continue to support Premier Blum.

British troops were called out in India last week to restore order following riots between Moslems and Hindus which took a toll of 60 lives and left several hundred injured.

Declaring that the world will soon face a series of social wars, Premier Oliveira Salazar of Portugal has announced the strengthening, in the near future, of his nation's armed forces.

Since the setting up of Manchoukuo as an autonomous state in 1931, Japan has invested there close to \$700,000,000. At least half of this money, however, was used to



BOWLING ALONG  
—From Oswego Palladium-Times

maintain the Japanese garrison. The government of Manchoukuo is now planning a five-year industrial program, part of which will involve the construction of plants for extracting oil from coal.

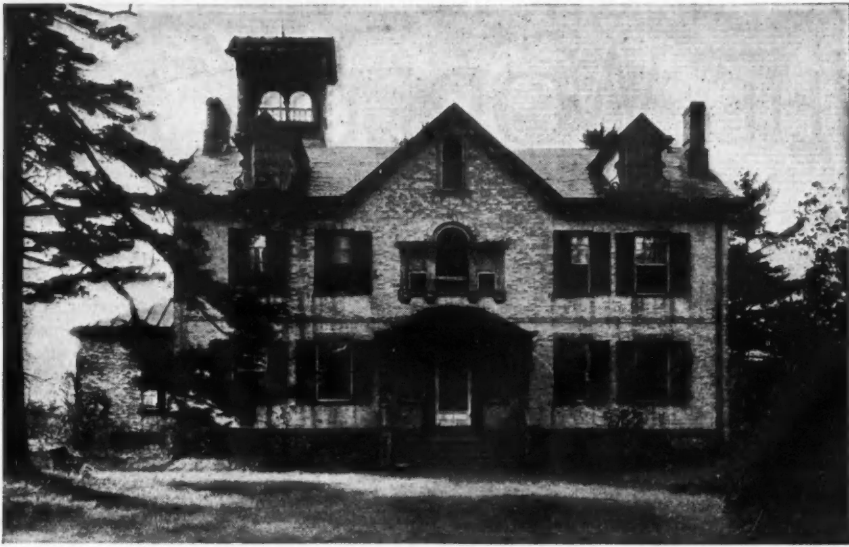
General Herman Goering has been appointed by Chancellor Hitler to carry out a four-year program of economic improvement which will make Germany independent of foreign trade for her existence.

Following the arrival of a strong auxiliary force and a threat to impose martial law, Arab leaders in Palestine decided to call off the strike which for half a year crippled the normal activity of the land. It is now expected that a royal commission will investigate the grievances of the Arabs and report its findings to the British colonial office.



—Courtesy Philippine Bureau of Science  
**TERRACING IN THE PHILIPPINES**  
The Filipinos have learned to conserve their soil resources by means of wise terracing.





—Photo from E. M. Newman from Wide World

## PROPOSED VAN BUREN MEMORIAL

"Lindenwald," in Kinderhook, New York, where Martin Van Buren lived after his presidential term ended in 1841. It is proposed that the mansion be purchased and turned into a national memorial. The house was built in 1797.

## Whirlwind Finish

All the candidates for the presidency are hard at work as the parties are making a whirlwind finish of the campaign. The two leading candidates, President Roosevelt and Governor Landon, who had been following each other's trails through the Middle West, placed the continent between them last week with the President campaigning in New England and Governor Landon speaking on the Pacific Coast.

Both candidates had fired the heaviest of their guns the week before. Perhaps the most important of the President's addresses was delivered in Chicago, where he assured businessmen that his administration stood for a capitalist system and for the security of business. He said that he was making it more secure by attacking abuses and injustices. He made much of the fact that the country is more prosperous than it was when he took office, and he explained the measures which, in his opinion, have contributed to recovery. He also delivered important addresses at Denver, Wichita, Kansas City, St. Louis, Detroit, and Cleveland, and he wound up his long tour by speaking to the citizens of his own state of New York.

Governor Landon delivered important addresses at Cleveland, Toledo, Detroit, and Grand Rapids. He emphasized the charge which has been made by Republicans before, that the Roosevelt administration has wasted money scandalously. He declared that much could be saved by turning relief administration to local and state authorities, with the federal government giving financial assistance but not engaging in the actual work of administering the funds. He insisted that the administration was impeding rather than aiding recovery, and declared that the President was going on the road to dictatorship.

## Crowds and Votes

Both the candidates have been greeted by tremendous crowds. Each has been accorded an enthusiastic welcome everywhere he has gone. The campaign managers make a great deal of this, each claiming that it indicates the popularity and probable success of his own candidate. The New York Times is undoubtedly right, however, when it calls attention to the deceptive nature of crowds. Candidates for the presidency are likely to draw great numbers of listeners and to be acclaimed by cheering thousands whether they are winners or not. The apparent enthusiasm of the multitudes has frequently led to bitter disappointment the day after election. The Times refers to the fact that William Jennings Bryan drew "the largest crowds that ever had hailed a candidate for the presidency," and that "even greater crowds marked the campaign progress of Alfred E. Smith in 1928." It speaks further of the disappointment of Mr. Hoover's supporters who, in 1932, "thought that the shouting thousands who blocked Madison Square Garden and choked the streets in this city presaged a great vote for him here." The Times makes this further comment:

What makes the crowd in presidential campaigns? It is partly made to order. Local committees and politicians rally the faithful so as to

impress both the candidate and the public. But, in addition, there is the stronger motive of popular curiosity. This is natural enough. In a democracy the people like to get a personal view, if it is only a vanishing one, of their rulers or would-be rulers. This does not necessarily mean any political commitment, and a public man who thinks that it does makes a grave mistake. He should remind himself of Cromwell's grim saying, in the midst of the applauding multitudes of London, that many more persons would have come out to see him hanged.

## Straw Votes

Both parties are deriving considerable satisfaction from the straw votes which have been taken. The most extensive of these polls is the one conducted by the *Literary Digest*. It has already published the results from 1,800,000 ballots, and it will probably report on two and one-half million before election time. The *Digest* figures indicate a sweeping Republican victory. They give Governor Landon more than 56 per cent of the total vote of the major parties. Heretofore, the *Literary Digest* polls have been remarkably accurate, so the Republicans are naturally encouraged. The Democrats insist, however, that the *Digest* results will not prove so dependable this year. They say that the magazine gets its names

largely from telephone directories and automobile registrations. This is a fair enough method, they contend, under ordinary circumstances, but this year the very poor are overwhelmingly for Roosevelt—more so than the rest of the population, and the names of such people are not to be found in telephone directories since they do not have telephones, nor in automobile registrations since they do not own cars. The Republicans deny that the *Literary Digest* depends chiefly upon these sources for votes, and argues that the results will prove as reliable this year as heretofore.

The Institute of Opinion poll claims to be more scientific than any other. The Institute does not distribute so many ballots as the *Literary Digest* does, but it picks carefully the voters to whom the ballots are to be sent, undertaking to select the right proportion of all classes of the population. The Institute of Opinion poll gives Roosevelt a very strong lead—almost as great a percentage as the *Literary Digest* gives to Governor Landon.

The most intensive poll of a single state has been conducted by the *Baltimore Sun*, which sent ballots to all the registered voters of Maryland. Replies were received from about half as many voters as have ever cast their ballots in an election in Maryland, and approximately two-thirds of those voting were for Roosevelt. This result is considered significant, because since 1892 Maryland has always gone as the nation has gone. It has been a very effective barometer state.

The *Farm Journal* has conducted a straw vote of farmers throughout the country, and this poll gives Landon a lead of four to three.

So far as the more important presidential polls are concerned, therefore, it is very hard for one to estimate the results. Many trained political observers say frankly that the result is very doubtful and that no certain conclusion can be drawn. The leading Washington representatives of the press seem to feel, however, that the President's reelection is probable. Twenty-eight of the heads of Washington bureaus of the nation's great newspapers (both Republican and Democratic newspapers being included) were asked to pick the winner. Eight of the 28 refused to make a guess, 19 thought that President Roosevelt would be reelected, and one selected Governor Landon as the probable winner.

Naturally, the party leaders on each side claim overwhelming victory. Both Chairman Hamilton and Chairman Farley are claiming victories of landslide proportions.

## Warburg and Pinchot

It is commonly said that the presidential campaign has been fought out along conservative-liberal lines, with the Republicans representing conservatism and the Democrats standing for liberalism. It is no doubt true that most of the pronounced conservatives of the country are lined up behind Governor Landon, and that a great majority of the liberals or progressives are supporting the President. Now and then, however, we see a conspicuous exception to that general rule. Last week, a prominent conservative New York banker, James P. Warburg, announced that he would vote for President Roosevelt, while an equally well-known liberal, Amos Pinchot, declared for the Republican candidate.

The case of Mr. Warburg is interesting. Early in the Roosevelt administration, he was an adviser to the President, but he disagreed sharply with Mr. Roosevelt on important matters and became an outspoken opponent. He wrote two books, "Hell Bent for Election" and "Still Hell Bent," which criticized the administration so severely that they were widely circulated by the Republicans. He said that he considered the President to be ineffective and dangerous, that he was engaged in an orgy of wild spending, that he failed to maintain the fundamental principles of American order, and that he flouted the Constitution. Now, however, Mr. Warburg has become thoroughly disgusted with the trade policies of the Republicans. He considers the high tariff nationalism which

they advocate to be dangerous to American prosperity. He feels that hope for increasing trade and permanent recovery lies in the administration's international policies, particularly the Hull trade treaties; hence he announces in a letter to Secretary Hull that he will vote for President Roosevelt.

Amos Pinchot is a liberal who has done valiant work for civil liberty, particularly for freedom of speech and press. Many people consider him to be radical rather than liberal, yet he has decided to vote for Governor Landon. He thinks that President Roosevelt is going in the direction of socialism. He says of Governor Landon:

I will vote for him . . . because I think he has qualities which the New Deal lacks. They are character and common sense. He is not



LOS ANGELES RECEIVES

The California city staged a great demonstration

as advanced in his views as I am. But he is liberal and open-minded, and, if elected, he will be one of the few Presidents who in my time have gone into the White House free and without commitments. I see more chance for progress in an administration headed by him than by Mr. Roosevelt.

## Vandenberg's Speech

Senator Vandenberg of Michigan undertook a novel form of campaigning in a recent address. He took with him to the microphone phonograph records which recorded addresses delivered by Mr. Roosevelt four years ago. Senator Vandenberg turned the phonograph on in such a way as to give his audience the voice of the President making promises which, according to Senator Vandenberg, have not been carried out. The radio audience was thus treated to a sort of debate between the voice of President Roosevelt and Senator Vandenberg. This was a violation of a rule which has been made by the Columbia Broadcasting Company forbidding the use of phonograph records and electrical transcriptions. The Company accordingly cut Senator Vandenberg off from many of the stations. The Republicans have protested against this act of the Columbia Broadcasting Company, declaring that it is an infringement of the right of free speech. It is



—From Jersey Journal and Washington Post

Top—A FEAST FOR SOMEBODY  
Bottom—SEZ YOU! SEZ I!



# United States

## Doing, Saying, and Thinking

said that anyone has a right to confront a candidate with statements he has made in the past and that this may be done through the use of a phonograph record as well as through quotations. Concerning this protest the Washington Post (Republican) says:

Sentences torn from their context, words spoken months or years ago reproduced over the air with the freshness and force of immediate delivery, may easily distort the meaning and significance of the original declarations. Of course, similar liberties are often taken with the printed word by speakers anxious to score against an opponent by fair means or foul. Short of an intolerable sort of censorship there is no way in which a broadcasting company can protect listeners against abuses of this sort. When words are merely quoted, however, there is no illusion that the target of the speaker's attacks is actually present and is being convicted out of his own mouth.

But this is only part of the trade story. The actual goods bought and sold are what economists call the "visible" trade. Besides this, there is the "invisible" trade—the payments made and received as new investments or dividends or interest on stocks and bonds, the payments for freight and passengers on ships and for other services, the money spent by tourists and by the governments for their representatives abroad, and other such items. These result in the transfer of credits from one country to another just as truly as the buying and selling of actual goods.

If the whole story of a country's financial and economic dealings with other countries is to be told, therefore, this "invisible" trade must be taken into account. In the first six months of 1936, Americans received from foreigners \$481,000,000 on these "invisible" items, but had to pay foreigners only \$464,000,000. The "invisible" balance was "favorable" by \$17,000,000, which more than made up for the "unfavorable" "visible" balance of \$9,000,000. The "favorable" balance on the total trade was \$8,000,000.

### Of First Rank

Hollywood is to be congratulated for drawing an increasing proportion of its musical talent from artists of first rank. Grace Moore, Lily Pons, Jeanette MacDonald, Lawrence Tibbet, Nelson Eddy, and Gladys Swarthout are some of the more outstanding artists whose superb voices have added immensely to America's movie entertainment. Another of these stars is Nino Martini, an opera singer of unusual merit. He is now appearing in "The Gay Desperado," a movie light in vein and highly entertaining.

A Mexican bandit, played by Leo Carillo, has seen a large number of Hollywood crime pictures and realizes that he may learn a few things from these pictures that will be helpful to him in his trade. He decides to engage in a little kidnapping. First of all, he succeeds in getting hold of Nino Martini, whose voice so enchants him that he keeps him as an entertainer for his comrades. Then he kidnaps a rich young American and the latter's fiancée. The young lady, portrayed by Ida Lupino, soon falls in love with Martini, raising no end of difficulties. Nino Martini's voice alone is worth the price of this amusing movie.

### Youth and Jobs

Over a million more Americans between the ages of 16 and 24 are both out of work and out of school than there are in all the schools of the country, according to the report submitted by a special committee to the meeting of the American Youth Commission held in Washington on October 12. Those in the schools and colleges number about 4,000,000; about 7,600,000 are employed on nonrelief jobs, 2,800,000 are young married women, and 900,000 are in school part time or in the CCC. About 5,200,000 are unemployed and not in school. This is about a fourth of all those between 16 and 24, and about half of all the unemployed in the United States.

But the members of the commission were told that a good many new jobs could be opened up "if funds were made available to pay salaries." Libraries could use 100,000. Courses in music, drama, and other cultural subjects, and physical education work for the people generally, could absorb another 100,000. The public parks and public playgrounds could well use at least 100,000 more in various ways in the summer months, and manufacturers could give jobs in the winter months to a good many making equipment and supplies for the parks and playgrounds.

Industry itself also will need a good many more workers, it was pointed out. The railroads alone will need 100,000 new freight cars a year for the next 10 or 15 years, the president of the Burlington Railroad said, and will spend \$250,000,000 a year for this purpose alone. A good share of the American factories need to be reequipped with new tools and new



WINDING UP THE CAMPAIGN

Governor Landon and President Roosevelt are making frequent appearances before the microphone during these last days of the campaign, each expecting that his efforts will swing the electorate to his support on November 3.

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## THOUGHTS AND SMILES

Reports sweep in of several mysterious henhouse fires in Connecticut. Have the police thought of checking up on the Rhode Island Reds?

—Boston Herald

A southern laboratory expert predicts that in a not distant future "we'll grow our motor cars." And here we thought they came from automobile plants right now.

—Boston Herald

It is charged Roosevelt and Landon have no sense of humor. The same cannot be said of Lemke, who is predicting he will be elected this fall.

—Wichita Eagle

Many persons speak contemptuously of politicians in regard to foreign policy, while, as a matter of fact, there is no other way of dealing with foreign policy except through politicians.

—Robert Taft

With seven political parties in New Mexico, we believe our politicians really have gone in for an economy of plenty.

—Albuquerque Journal

A noted chef, asked the recipe for his equally famous corn beef hash, replied: "There is no recipe, the stuff simply accumulates."

—Lehigh Burr

Work and thought never killed anyone. Forget mistakes, forget failures, forget everything except what you're going to do now, and do it!

—William C. Durant, one-time motor executive

Chief Tantaquidgeon, last survivor of the Mohican tribe, is in Boston. Seems that Uncas pulled a fast one on James Fenimore Cooper and left descendants.

—Boston Daily Globe

One reason the candidates like to go on the air is that they do not have to listen to a half-hour speech by the local chairman who introduces them.

—Albany Knickerbocker Press

A Pennsylvania man can charm a snake with a mouth organ. But it would be more humane to kill the snake outright.

—Atlanta Georgian

I am of the opinion that the enormous number of crimes that have never been solved could be traced to the prison-educated.

—Fr. Eligius Weir, Illinois prison chaplain

Fear psychology, says an advertising tycoon, is losing its old force as a sales stimulant. But, mister, it still sells battleships.

—Richmond Times-Dispatch

Italy and Germany are taking dangerous chances by training child armies. Think of paying pensions to them for 80 and 90 years!

—Glendale News-Press

The sultan of Turkey used to be called the sick man of Europe. Now nearly everybody over there is running a fever.

—Dallas Morning News

The abundant life does not come to those who have all obstacles removed from their paths by others. It develops from within and is rooted in strong mental and moral fiber.

—President W. M. Lewis, Lafayette College

A New Yorker is planning to go to Europe in a barrel. There surely must be a safer plan to get away from campaign oratory.

—St. Louis Post-Dispatch



—Acme and U. S. Bureau of Reclamation

### FROM BOULDER DAM

While the first transmission of power from Boulder Dam was away.

The opportunities to practice a deliberate or unpremeditated deception upon radio audiences would be much greater, therefore, if there were no curb upon the use of records. The day may come when audible transcriptions instead of the printed page will become a familiar or even a customary medium for transmitting and preserving the views of our political leaders. But until that time arrives or until the public ceases to be unduly impressed by the recorded voice, unauthorized broadcasts of such records should not be permitted for any purpose whatever.

### "Favorable" Total Trade

Both the imports and the exports of goods by Americans in the first six months of this year were worth more than in the same period of 1935, the Department of Commerce has reported. But for the first time in a decade, Americans bought more from other countries than they sold to them, so that on the exchange of goods the amount Americans would have to pay was more than the amount they would receive from abroad. There was, therefore, what is called an "unfavorable" balance of trade in merchandise. The total merchandise exports for the first six months of 1936 were worth \$1,154,000,000, an increase of 13 per cent over 1935; the merchandise imports were \$1,163,000,000, or 17 per cent more than in 1935.



—From Memphis Commercial Appeal and Chicago Daily News

Top—THE VANISHING AMERICAN  
Bottom—THE BACK-TO-EARTH MOVEMENT



## Historical Backgrounds

By David S. Muzzey and Paul D. Miller

### Checks and Balances in the Constitution

IT IS well, in studying the Constitution of the United States, as most history classes are doing about this time, to remember some of the conflicts which existed at the time of its drafting and adoption. As we pointed out last week, the document was not universally approved. Large sections of the population were opposed to it and a great deal of clever political maneuvering was required to wring ratification from the states. The various political and especially economic conditions that had existed under the Articles of Confederation are fairly familiar to students of American history. Viewed in the light of history there can be little doubt that a strong and effective central government was essential to the progress of the nation.

Several facts, however, should be borne in mind in any study of the Constitution.



DAVID S. MUZZEY

In the first place, it is a mistaken view to assume that the Fathers were a bunch of wild-eyed radicals who, in any way, sought to destroy the system of private property and capitalism which was only beginning to bud in this country at the time. For the most part, they were practical men, with definite economic interests to protect. Many of them held government bonds, either of the states or of the Confederation. They wanted a national government strong enough to protect them against loss of their investment. They wanted the state legislatures restrained from passing monetary laws which would endanger them as creditors.

#### Fear of Democracy

At the time of the adoption of the Constitution, most of the framers were afraid of democracy in the sense we think of it today. In scanning the records of the time, we find numerous expressions of fear lest the unruly mobs might gain control of the government and carry out measures inimical to the interests of the propertied classes. As has been pointed out by later historians, the whole system of "checks and balances" was devised to prevent the "people" from rushing headlong into wild and radical action.

Thus we find the device of three distinct branches of the government, each to check and balance the other, with the personnel of each to be chosen by different means. The masses were allowed directly to choose the members of the House of Representatives. If such a concession to "democracy" had not been made, it is certain that ratification would never have been possible. But, it should be remarked, the lower house of the national legislature was to be checked by an upper house, the members of which were not to be elected directly by the people, but by the state legislatures. Moreover, their terms were to be six years instead of two, so that in case the lower house should get out of hand, it would be held in check by the more sober influence of the Senate, once removed from the people. In addition, the minimum age requirement for senators was fixed at 30 years, five above that required for members of the House.

As a further safeguard, in the checking and balancing procedure, an executive was thrown across the path of the legislative branch of the government. The president was chosen not by the people, or by the state legislatures, but by electors chosen as the state legislatures might determine. Thus the executive was twice removed from direct election. He had power to veto acts of Congress, although his veto power was not absolute since any act of Congress could be passed over his veto by a two-

thirds majority of both houses of Congress.

Finally, the judiciary, represented by the Supreme Court, consisted of a body not elected at all but appointed for life by the president with the consent of the Senate. The branch of the government closest to the people—the House of Representatives—had no choice in the matter. And the Supreme Court had an absolute veto power over the acts of the other two branches of the government. Thus the system of "checks and balances" was ingeniously worked out, and there was little danger that excesses would be committed by the people, running wild.

#### Changes Made

The American Constitution has been hailed as one of the great documents of all time. As time went on, however, it was recognized that steps should be taken to make it more democratic in meeting the needs and wishes of the people. Thus, election of senators was effected in the same way as election of members of the House of Representatives, by direct vote of the people. While the Constitution was not amended to provide for the choosing of presidential electors directly by the people, that practice has been universally followed. After 1832, South Carolina was the only state in which electors were not chosen directly by the people, and since the Civil War, no state has employed the system of choosing electors by the state legislature, except Colorado, which turned to it temporarily in 1876. Thus, in the election of both Congress and the president, a more democratic procedure has been followed than was originally planned by the framers of the Constitution.

Although the method of choosing justices of the Supreme Court has not been altered since 1789, the mere fact that the presidency and the Senate have come more nearly to reflect the direct wishes of the electorate has brought that instrumentality of government closer to the people—the democratic masses so dreaded in the early days of our history. Nevertheless, the practice of the Supreme Court in voiding acts of the other two branches of the government has been sharply criticized many times in our history on the ground that such absolute power largely nullifies the democratic effects of the other branches. It has been charged that nine men, not selected by the people, have in fact the real power of government since it is in their power to prevent the people, through the other two branches of the government, from enacting the laws they wish.

Whether the framers of the Constitution intended that the judiciary should have the power to pass upon the constitutionality of acts of the legislative and the executive is a matter on which historians are in the utmost disagreement. There is nothing in the Constitution granting the Supreme Court such power. However, the practice has become so deeply entrenched in the American governmental system that no president or Congress would dare to question it. John Marshall laid the stamp of approval so firmly on the practice early in the Jefferson administration when, in a roundabout way, he established the precedent which has been followed ever since. It will probably never be challenged in the future, for if the people should decide that the federal government needs more authority to deal with the intricate economic problems of the day than it now enjoys under the Constitution, their wishes will be carried out by means of a constitutional amendment and not by defiance of the Supreme Court by Congress or the president. Here, in dramatic form, the system of checks comes into play, for so long as the Supreme Court exercises its present power, there is no danger that any of the safeguards of the Constitution will be thwarted by any branch of the federal government.



FROM AN ILLUSTRATION IN "AUDUBON"

## Among the New Books

### King of the Poachers

"I Walked by Night: Being the Life and History of the King of the Poachers." Written by Himself. Edited by Lilius Rider Haggard. Illustrated by Edward Seago (New York: E. P. Dutton & Co. \$3.50).

IT IS a delight to hold this book in one's hands. Beautifully manufactured and illustrated with those vague, dreamy sketches whose indistinct lines give rise to a host of images, its very format induces a mood sympathetic to the crude and leisurely tale "born of an old man's loneliness." Much of its charm derives, too, from the fact that the old man never had thought to publish these memoirs. He had led an unconventional life poaching game on the estates of the rich in Norfolk, England. Pursued by the gamekeepers and the law, he became somewhat of a local celebrity. And it was only when he was too old to defy the authorities any longer that he retired to his farm and out of sheer love of writing jotted down his reflections. Edited by Mr. Haggard, they offer a rare insight into a vigorous, if undisciplined, mind. Imbedded in a mass of local legend and tradition is an honest, unsophisticated tale told with humor, some precious comment on the ways of the world and an utterly courageous indifference to the rules of both grammar and spelling.

### War at Its Worst

"And We Are Civilized," by Dr. Wolfgang Ackermann (New York: Covici-Friede. \$2.50).

IF EVERYONE witnessed the brutality and suffering existent at the front, war would be abolished from the earth." Thus writes Dr. Ackermann, and in his vivid portrayal of the horrors of the front-line trenches leaves the reader with an eye-picture of human suffering. Serving as an officer in the Austrian army on both the Russian and Italian fronts, Dr. Ackermann marshals forth a phalanx of gruesome war

incidents for the benefit of the reader. Not being satisfied with this, however, he tells us of the effects of war on the civilian population in the interior, and of the graft, mismanagement, and corruption frequently practiced by the men in command behind the lines.

Morbidly realistic, yet mellowed by the sensitive philosophic nature of the author, this volume is indeed well worth the reading.

### Prophets and Seers

"The Story of Prophecy in the Life of Mankind from Early Times to the Present Day," by Henry James Forman. Illustrated (New York: Farrar & Rinehart, Inc. \$3).

ONE would be hard put to suggest a happier subject for a book. Whether prophets and seers actually foretold the future is not of much importance. The fact is that in many instances they determined the course of history. And they were all colorful. Their story should thus be a gorgeous pageant of human character. Mr. Forman, unfortunately, has not made the best use of his material. It is not alone that he is guilty of some glaring omissions—Mohammed, for example, is mentioned but incidentally—nor that he relies for some of his facts on questionable scholarship; it is his point of view, in which he is frequently more concerned with proving the correctness of prophecy than with presenting it vividly, that weakens his pages. He involves himself in a maze of mystical explanation, at one point, which charitable criticism will dismiss with the term nonsense. However, once these reservations are made, it may be said that this volume offers a fairly comprehensive study not usually found anywhere except in scholarly works.

### Naturalist

"Audubon," by Contance Rourke (New York: Harcourt, Brace and Company. \$3).

AT THE start of her biography, Miss Rourke deftly intrigues the reader by discussing the mystery of Audubon's birth. Was the great naturalist and artist the son of Captain Audubon, or was he the young royal prince, born to Louis XVI and spirited out of France to save him from the Revolution? The author gives no definite answer to this question, leaving it as much in the dark as it has always been. But the mystery, however it fails to stand the scrutiny of scholarship, lends considerable interest to the story of this young Frenchman who gave up the comforts of a home to wander in a land which Europeans still regarded as largely a ferocious jungle. Miss Rourke does a superb job in the telling of this story. Not content with her unusual knowledge of American frontier life and folklore, she has followed the trails taken by Audubon in his search for bird specimens and has thus been enabled to recreate those journeys in all their tuneful detail.



FROM A DRAWING IN "I WALKED BY NIGHT"



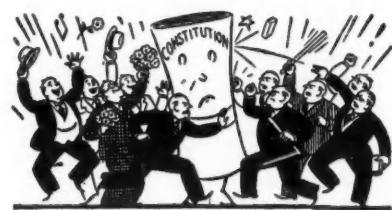


What are the real issues in the campaign? Are the candidates coming to grips with the nation's big problems? What are the essential differences between the parties?

THESE three imaginary students will meet each week on this page to talk things over. The same characters will continue from week to week. We believe that readers of THE AMERICAN OBSERVER will find it interesting to follow these discussions week by week and thus to become acquainted with the three characters. Needless to say, the views expressed on this page are not to be taken as the opinions of the editors of THE AMERICAN OBSERVER.

**Charles:** We are now getting close to election time. It's only about a week away. Suppose we try to size up the issues and see just where the points of dispute are. My impression is that a number of the most important problems before the American people are being neglected by all the parties. What do you think about it John? What do you consider the big issue of the campaign?

**John:** The most important question the American people will decide is this: Shall we keep the American system of democratic



FROM A DRAWING IN THE WASHINGTON POST

government, or will we turn to dictatorship, and regimentation? I think Governor Landon expressed it very well when he said, "It sums itself up to this—the people of this country want back self-government and they are determined to have it. . . . On their ballots they are going to demand in no uncertain way that their country be given back to them."

**Mary:** I think that is terribly silly, even if you and Governor Landon do say it, John. Who is taking your country away from you? Now there really is a big central issue in the campaign, though. Do the American people want a humane, sympathetic government which will look after all classes, the poor and unfortunate as well as the rich, or do they want a hard, calculating government which will give favors to big business interests and let the unemployed starve? I think that the people prefer a humane administration, and if they do, they will reelect President Roosevelt.

**Charles:** Now, now, Mary, don't let your partisanship get the better of your judgment. I agree with you that John's comment was silly, but yours is just as bad. Both of you are becoming slaves to your prejudices. You have been taking too seriously the political speeches you have heard on the radio. We must expect to hear exaggerations and foolish charges when the campaign orators speak. No one expects a reasonable and balanced discussion of issues from them, but I had rather expected more of you two.

But here you both are, talking utter nonsense. Take your statement, John, accusing President Roosevelt of trying to be a dictator and of getting away from the American plan of government. That is really absurd. Time and again he has seen Congress refuse to follow his suggestions. It voted the bonus over his protest. It has done many other things the President hasn't liked. And he does nothing about it. The Supreme Court has overruled a large part of his program and he accepts their decisions. Four-fifths of all the newspapers of the country are opposing him bitterly, and he takes no action to suppress them. The people are to vote freely on whether or not he will be continued as President, and you say yourself that you think they will turn him out. Does that look as if he is a dictator? Is that the way a dictator acts? You, really, are talking nonsense, John.

And, Mary, you are as bad. Governor Landon is a humane man. He wouldn't stop relief if he were president. No one is suggesting such a thing. And few responsible people think that the Kansas governor, who has shown himself for years to be independent and liberal, would be tied hand and foot to the big interests. Let's get away from all of this senseless partisanship and talk about some of the points that are actually in dispute.

**John:** I don't accept your charge that I'm silly, but if you want to get away from basic principles and talk about certain concrete and definite issues, I can name a number. Here is a list of some of them:

1. Shall the distribution of relief be handled by the national government or by the states? The Democrats say by the national government, and the Republicans say by the states.

2. Shall the Hull policy of reciprocity trade treaties be continued? Democrats say yes, and the Republicans no.

3. Shall the farmers receive an export bounty on their crops in addition to benefits for soil conservation? The Republicans say yes, and the Democrats no.

4. Should laws to protect wage standards, where necessary, be enacted by the national or state governments? The Republicans say by states, and the Democrats say that in the larger industries regulation should be by the national government.

5. Should there be an old-age insurance system in addition to old-age pensions to the needy? The Democrats say yes, and the Republicans no.

6. Should the national government levy a tax to provide an unemployment insurance fund or should unemployment insurance be left wholly to the states? The Democrats would have the national government act; the Republicans would leave the matter wholly to the states.

**Mary:** I agree with the statement concerning issues which John has made. Now you said a while ago, Charles, that a number of the most important problems before the country were being ignored by both parties. What are some of these neglected issues?

**Charles:** For one, there is the great issue of government spending versus economy. There are many people who think it is a dangerous thing for the government to spend so much. They think that such a course will ruin the government's credit and lead eventually to bankruptcy or inflation. They think, furthermore, that it is a

bad thing for the government to dole out so much money to classes of the population. They say that will lead in time to pauperizing millions and will create great classes which look to the government for help. That is what many people are saying. They call for an economy program. Against them are those who think that the government should go on spending to care for the unfortunate and those who are not otherwise getting a fair deal. They think government spending is just and humane, that it puts purchasing power in the hands of the people and helps the nation on the way to recovery and prosperity.

That is really a big issue, but the economy crowd is unrepresented in the campaign. All the parties are for governmental spending. The small parties are for it and so are the two big parties. That is certain from looking at their programs.

**John:** You're crazy, Charles. Governor Landon and the Republicans are for economy and they oppose reckless spending. Governor Landon is talking more about that issue than anything else.

**Charles:** I know he's talking about it, but he is not opposing the really big governmental expenditures. About four-fifths of all the government spends is included in five items:

1. Unemployment relief. Both parties are for continuing relief to the unemployed. Landon says he wouldn't take away a penny from those in need. He would cut the wastes of distribution, he says, but distribution costs are only about five per cent of the relief costs, so if he eliminated all costs of distribution, the savings would be but a drop in the bucket. And of course Roosevelt is not proposing to cut relief costs.

2. Farm benefit costs. The Democrats would continue the benefits and the Republicans would continue them and then in addition pay a big bounty to the farmers on the portion of their crops which is for export. This would make the cost of farm relief from two to four times as great as it now is.

3. Relief to veterans. Neither party proposes to cut the payments going to veterans.

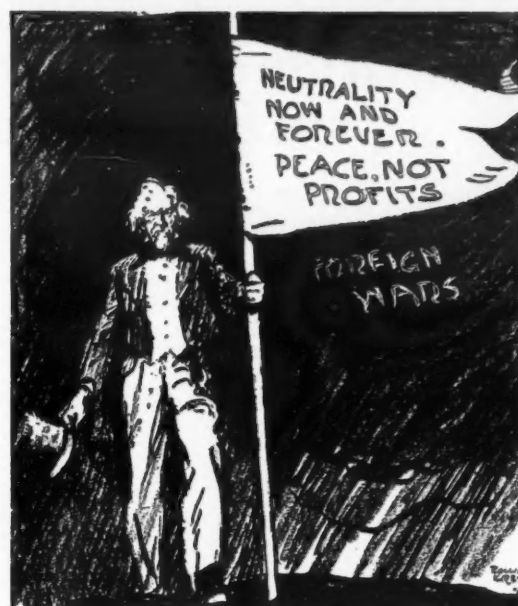
4. National defense. Present expenditures are greater than ever before. The Roosevelt administration has increased the expenditure on the army and navy. But the Republicans are not proposing any decreases.

5. Interest on the national debt. That is a big item of expense, but it can't be cut without repudiating the debt and, of course, neither party wants to do that.

So there you are. The other expenses of the government come to only about a fifth of the total, and most of them can't be cut much. They are for the costs of routine governmental operations. That is why I say that no party is really promising effective cuts in expenses. Both are spending parties in spite of what they may say. I think they are right in wanting to carry out a spending program, but many do not, and the real issue here is being ignored.

**Mary:** What do you think some of the other neglected problems are?

**Charles:** Another of them is foreign policy. Both parties talk of the necessity of our keeping the peace, but no one is discussing the means whereby we shall do it. What kind of neutrality laws do we need in order that we may stay out of war



THE GONFALON

—Kirby in N. Y. World-Telegram

if other big nations get in? This is a question of first importance.

Then there is the question of the Constitution. Both parties say they will favor certain changes in the Constitution if it should become necessary. But is it necessary under present conditions, or isn't it? Party leaders are not saying. The constitutional issue is being neglected.

**Mary:** Even if certain problems are not issues in the campaign, there are enough real issues to give us an interesting election.

**Charles:** It's too bad, though, that so much of the arguing which goes on should be on bogus rather than real issues, and that the actual points which are at stake should be obscured by emotion and exaggeration. I suppose, though, that that's what happens in all political campaigns.

## A CORRECTION

In the October 19 issue of THE AMERICAN OBSERVER, a cartoon on page 4 with the title, "I Cover the Waterfront," was credited to Fitzpatrick in the St. Louis Post-Dispatch. The credit should have read, Elderman in the Washington Post. We regret the error.

## SOMETHING TO THINK ABOUT

1. Explain how the system of "checks and balances" in the American Constitution works in practice. What was the main purpose of the Fathers in devising such a system?

2. What is the difference of opinion between President Roosevelt and Governor Landon with respect to amendment to the Constitution?

3. What is meant by the "twilight zone" spoken of in connection with the constitutional issue? Why will the Supreme Court's decision on the Washington state minimum wage law be extremely important?

4. What is the difference between the positions of conservatives and liberals with respect to amendment of the Constitution?

5. How has Belgium's recent decision with respect to alliances upset the European balance of power?

6. In your opinion, would Belgium's security be safeguarded more by reverting to her prewar system of neutrality or by following a policy of close cooperation with France?

7. What were the main causes for King Leopold's decision fundamentally to alter Belgian foreign policy?

8. What, in your opinion, are the big issues before the American people today? If you agree with any one of the characters on page 7 state the reasons for your position.

9. Do you think the Columbia Broadcasting Company was justified in cutting off Senator Vandenberg's "debate" with the voice of President Roosevelt recorded on a phonograph record? Why?

10. Why has James P. Warburg decided to support President Roosevelt? Why has Amos Pinchot come out for the election of Governor Landon?

11. Why is Poland no longer as interested in Danzig as she was after the World War?

**PRONUNCIATIONS:** Francisco Franco (frahn-thee'sko frahn'ko), Goering (gu'ring—'as in burn), Oliveira Salazar (o-lee-vay'ra sa-la-zar').



THE ORACLE

—Homan in Owensboro (Ky.) Messenger



# Vital National and State Laws To Come Before Supreme Court

(Concluded from page 1)

tional authority—it is nevertheless one of the most important before the nation today. It is not at all unlikely that within the next few years the American people will be called upon to make a fundamental decision on the question of amending the basic law of the land. What, then, are the main outlines of this issue?

It should be remembered that under our system of government there is no way of knowing in advance whether laws considered by Congress are constitutional. Members cannot ask the Supreme Court for an opinion on the constitutionality of a measure before they vote on that measure. Once a law is enacted, however, persons affected by it may test the constitutionality of the law by taking it to court. They may refuse to obey it on the ground that it is against the Constitution. The case may be appealed until it finally reaches the Supreme Court, which has the final say in the matter. If the Court rules that Congress has acted in such a way as to violate the Constitution, the law is thrown out as illegal and persons are no longer obliged to obey it.

## Split Decisions

What makes the question so difficult is that the wording of the Constitution is such as not always to make the definite meaning of the various sections clear and to the point. Certain sections are definite and cannot be misunderstood, such, for example, as the method of electing members of Congress. Others are not, and even justices of the Court are not always in agreement as to the exact meaning. That is why there are so many decisions where the Court is divided—the five-to-four or six-to-three decisions.

These differences of opinion among the justices of the Supreme Court arise from differences of philosophy as to the correct interpretation of the Constitution. Certain of the justices are considered liberal or progressive, whereas others are classed as conservatives. The liberals are less strict in their interpretation of the Constitution, believing it to be a flexible document which may be expanded to meet new conditions. Unless the federal government or the state governments are explicitly forbidden from doing something, the powers they enjoy under the Constitution are vast. They may enact laws to protect the health, safety, and general welfare of the people. This is the liberal point of view.

The conservative justices, on the other hand, adhere to a more rigid interpretation of the Constitution. They do not accept the theory of flexibility, believing rather that the framers said exactly what they meant when they wrote the document. They believe that it was the original intention to protect business and industry from too much interference from either the federal government or the state governments. In most instances, the conservatives take the stand that regulation of business interferes with the freedom that the Constitution guarantees.

In the past, the justices have lined up with four on the conservative side and three on the liberal, with the remaining two casting their votes now with the conservatives and then with the liberals. Associate Justices Van Devanter, McReynolds, Sutherland, and Butler nearly always give a conservative interpretation to the Constitution, whereas Justices Brandeis, Stone, and Cardozo are nearly always liberal in their views. Chief Justice Hughes and Justice Roberts frequently switch from one side to the other in important decisions.

## The Issue Raised

In the more important decisions affecting New Deal legislation, the conservatives secured a majority. It has been these decisions that have raised in a dramatic form the so-called constitutional is-

sue confronting the nation today. For when the Court ruled against the NRA, the AAA, the Guffey Coal Law, and other measures, it declared in effect that the national government did not have the power to regulate industrial and business conditions as it was attempting to do under these laws. The federal government had, it declared, overstepped its authority. Those who supported the government had

Court declared that manufacturing, mining, construction, and agriculture are purely intrastate activities and therefore not subject to federal regulation. For persons not directly employed in interstate commerce, the Court held, "their hours and wages have no direct relation to interstate commerce."

Whatever the logic behind the decisions, it has become clearly established that, according to a majority of the members of the Supreme Court, the national government does not have the right to regulate such industrial conditions as wages and hours of work. That principle has been stated and restated in recent decisions. It would appear, therefore, that if there is to be regulation of hours and wages and other

sent from the majority opinion did not accept this line of reasoning. Associate Justice Stone summed up the argument of his colleagues when he said: "There is grim irony in speaking of the freedom of contract of those who, because of their economic necessities, give their service for less than is needful to keep body and soul together."

## Twilight Zone

The Supreme Court's record on the question of regulation of such things as wages and hours of work by state governments is far from clear. It has at times voted one way and later reversed itself. Thus we find that in 1917 it upheld a law passed by the legislature of Oregon fixing 10 hours as the maximum one could work in industry. It held that the state was acting under the police power reserved to it by the Constitution, or the power it enjoys to protect the health and general welfare of its people.

It is true, of course, that a number of states have minimum wage laws, similar to the New York statute and the Washington state law upon the constitutionality of which the Supreme Court has agreed to pass judgment during its present session. But it has not been clearly established that such regulation of industrial conditions within a state border is constitutional. The majority of opinions handed down by the Supreme Court indicates that the states have no such right.

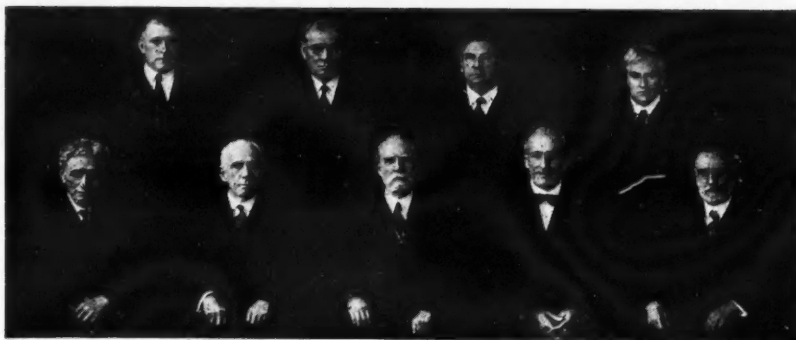
It is obvious, then, that there is a certain region of industrial activities in which neither the federal government nor the state governments have any jurisdiction. This has been called the "no man's land" or the "twilight zone." It is over this question that the real constitutional issue has arisen today. No responsible leader has ever suggested that the states be destroyed or stripped of any of the real authority they enjoy under the Constitution. It is a question of whether an amendment should be made in the Constitution granting to either the states or to the federal government the authority to act in this region, or "twilight zone."

## The Candidates' Positions

Both the candidates have suggested that under certain circumstances an amendment to the Constitution might be necessary. The President's views were clearly set forth at the time of the NRA decision. He believes that the national government must have broader powers than it now has to cope with modern industrial conditions, power to do such things as regulate hours of work and wages. The states cannot effectively handle this problem, he feels, because one state might establish high standards, whereas another state would establish lower standards or no standards at all. In that case, the industries of the state with high standards would suffer.

Governor Landon has clearly indicated that a constitutional amendment might be necessary. Whereas the Republican platform declared for minimum wages, it felt that such regulation could be affected by the states and by agreements among several states, all within the present limitations of the Constitution. To this position Mr. Landon took strong exception when he sent a telegram to the convention declaring that he would seek a constitutional amendment giving the states power to regulate wages should it become apparent that they do not now have such authority. The difference, therefore, between the two candidates is whether there should be regulation by the national government or by the state governments.

The decisions which the Supreme Court will hand down within the next few months are of the utmost importance. Adverse rulings, not only on the Washington minimum wage law but also on New Deal acts, would undoubtedly give a strong impetus to the movement for a constitutional amendment. In the main, liberals, both in public life and out, favor the granting of greater power to the national government so that there may be effective regulation. Conservatives are generally opposed to a change, feeling that the Constitution must be kept as it now stands in order adequately to safeguard American liberty.



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## THE COURT

Left to right (front row): Justices Brandeis, Van Devanter, Chief Justice Hughes, Justices McReynolds and Sutherland. Back row: Justices Roberts, Butler, Stone, and Cardozo.

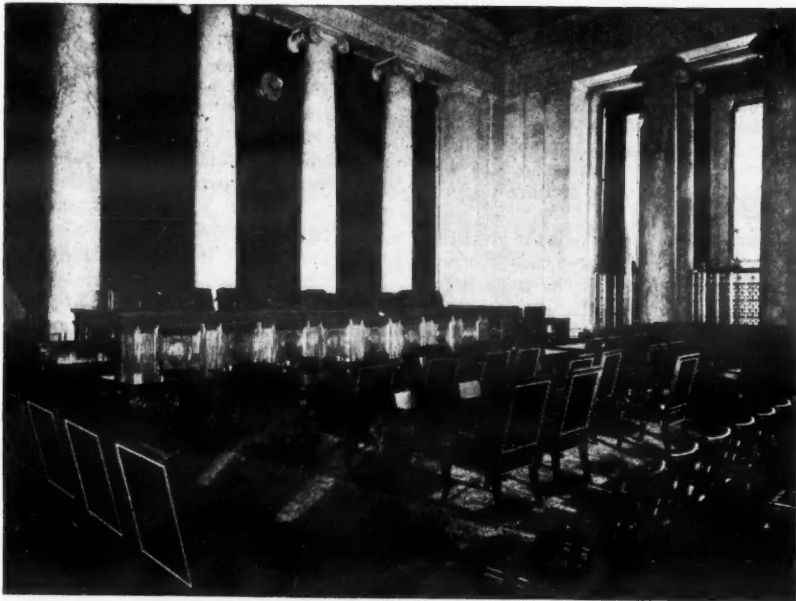
contended that while the Constitution did not explicitly give Congress the power to regulate wages and hours of work, it did give Congress the power to regulate interstate commerce. If it could be proved that any industrial activity affected interstate commerce, it would be the proper subject of government regulation. In fact, the Court had held that a railroad which operated entirely within the boundaries of one state could be regulated by the federal government because it affected interstate commerce.

The difference has arisen between *direct*

working conditions, it must come from the various state governments.

## State Regulation

An examination of Supreme Court decisions on this matter raises certain important questions. Earlier in this article, we mentioned the decision last year by which the Court held that a New York state law fixing minimum wages for women in industry was unconstitutional. In finding reasons for its decision, the Court turned to the fourteenth amendment which was added to the Constitution shortly after



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## THE COURT CHAMBER

Interior of the new Supreme Court building in Washington. It is here that the Justices sit, hear cases, and hand down decisions.

effects and the *indirect* effects upon commerce among the states. The Court has held in its latest decisions that the effect must be direct. As the NRA decision pointed out: "In determining how far the federal government may go in controlling intrastate (within a state) transactions upon the ground that they 'affect' interstate commerce, there is a necessary and well-established distinction between direct and indirect effects. The precise line can be drawn only as individual cases arise, but the distinction is clear in principle." The Court, in this decision, declared that even though a given product may be sold in interstate commerce, those who are engaged in its manufacture are not involved in interstate commerce until the product actually starts moving. The Supreme

the Civil War. This amendment declares, among other things, "nor shall any state deprive any person of life, liberty, or property without due process of law." The Court reasoned as follows:

Every person has a right to liberty. This includes the right to make contracts. If a person is to be free, is to have liberty, he must have a right to agree to work for whatever wage he sees fit. If the state steps in and limits his right to make contracts to work, it is interfering with his liberty. If the state says to an employer that he must not contract for an employee to work for less than a fixed minimum sum a week, it is likewise interfering with his freedom of contract and consequently violating the fourteenth amendment.

Of course, the four justices who dis-